

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**B.T.,**  
**Plaintiff,**  
v.

**Civil Action No. 2:22cv94  
JURY TRIAL DEMANDED**

**SILVER DINER DEVELOPMENT, LLC and  
JAMES H. HALIBURTON,**  
**Defendants.**

**PLAINTIFF’S MOTION FOR LEAVE TO APPEAR REMOTELY FOR THE  
SETTLEMENT CONFERENCE**

COMES NOW Plaintiff B.T. with her Motion for Leave to Appear Remotely for the Settlement Conference and who states as follows:

**BACKGROUND**

Plaintiff brought this action against Silver Diner Development, LLC (“Defendant Silver Diner”) and James H. Haliburton (“Defendant Haliburton”) for the sexual abuse she experienced while employed with Defendant Silver Diner. While working, Plaintiff experienced systematic sexual abuse at the hands of Defendant Haliburton, her co-worker. Plaintiff is under active mental health treatment for injuries caused by the systemic sexual abuse.

**GOOD CAUSE EXISTS FOR REMOTE PARTICIPATION**

Mediation is scheduled for September 20, 2022. While readying herself to meaningfully participate, Plaintiff, and Plaintiff’s counsel, have concerns for Plaintiff’s well-being and safety at the settlement conference as a result of her likely physical proximity to Defendant Haliburton. Plaintiff’s counsel has serious concerns for the orderly proceedings of a settlement conference with

Plaintiff present in the proximity of Defendant Haliburton and believes her physical presence will hinder potential progress in settlement negotiations. Plaintiff's counselor, similarly, has concerns that, should Plaintiff have to engage so closely with Defendant Haliburton, this engagement would be highly detrimental to her management of her Post Traumatic Stress Disorder. Plaintiff's counselor has written Plaintiff's attorney, requesting that Plaintiff not engage directly with Defendant Haliburton.<sup>1</sup> For these reasons, Plaintiff requests this Honorable Court to allow her to participate in mediation via video conference.

Plaintiff recognizes that, under most circumstances, it is beneficial for mediation to take place in-person; however, the hardship and cost of having Plaintiff appear in-person with Defendant Haliburton substantially outweigh any such benefit. Plaintiff is firmly committed to holding productive settlement discussions and is confident that her remote participation will not impede the parties' efforts to reach any achievable resolution.

Plaintiff's counsel certifies that he conferred with opposing counsel, but defendants did not agree to the relief requested.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an order granting leave from her physical appearance at the settlement conference, and permitting Plaintiff to appear at the scheduled mediation via video conference.

Respectfully yours,  
**B.T.**

Dated: September 14, 2022

/s/ Kevin Biniazan  
Kevin Biniazan | VSB No. 92109

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<sup>1</sup> Attached as **Exhibit A**.

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*Counsel for Plaintiff*

### **CERTIFICATE OF SERVICE**

I certify that, on September 14, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to all counsel of record.

/s/ Kevin Biniazan  
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*Counsel for Plaintiff*